

Message Text

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46

ACTION SCS-01

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FM AMEMBASSY ANKARA

TO SECSTATE WASHDC 8523

INFO AMEMBASSY COPENHAGEN

AMEMBASSY MADRID

C O N F I D E N T I A L ANKARA 2380

LIMDIS

E. O. 11652: GDS

TAGS: CASC

SUBJECT: BILATERAL AGREEMENT FOR REPATRIATION OF FOREIGN NATIONAL
PRISONERS TO COMPLETE SENTENCING IN OWN COUNTRY

REF: STATE 063621

1. AT PRESENT GOT HAS NO AGREEMENT WITH ANY GOVERNMENT UNDER
STATUTE 647, SECTION 18. (ALLOWING CONVICTED PERSONS TO SERVE
OUT SENTENCES UNDER INSTITUTIONS OF THEIR OWN GOVERNMENT; TEXT
OF LAW QUOTED IN ISTANBUL 1121, JULY 27, 1973.)

2. AS DESCRIBED IN PREVIOUS COMMUNICATIONS FROM THIS EMBASSY
(SEE ANKARA 4003, MAY 23, 1974; ANKARA 3746, MAY 15, 1974;
AND ANKARA 6579, AUGUST 17, 1973), GOT'S FRIST AND ONLY EXPERIENCE
WITH PRISONER REPATRIATION IN WHICH LAW 647 INVOKED INVOLVED
DANISH BOY WHO WAS TRANSFERRED TO DENMARK IN 1971 ON BASIS OF
DENMARK'S RATIFICATION OF COUNCIL OF EUROPE CONVENTION ON THE
INTERNATIONAL VALIDITY OF CRIMINAL JUDGEMENTS, ORIGINALLY
SIGNED AT THE HAGUE ON MAY 28, 1970. THE TURKS ARE STILL
CHAGRINED BY THIS EXPERIENCE AS THE DANES RELEASED THE BOY
VIRTUALLY WITHIN A MATTER OF DAYS.

3. OFFICIALS IN THE MINISTRY OF JUSTICE BELIEVE APPLICATION
OF STATUTE 647 SECTION 18 IS IMPRACTICAL AND "WILL ALWAYS
FAIL". BASED ON DANISH EXPERIENCE, THEY NOW SAY THEY WOULD NOT
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LIKELY CONSIDER ANY AGREEMENT UNDER LAW 647 UNLESS THE OTHER

GOVERNMENT HAS A SIMILAR PROVISION UNDER ITS LAWS WHICH WOULD IN EFFECT SAFEGUARD INTENT OF TURKISH LAW THAT PRISONER BY CONFINED TO SERVE OUT SENTENCE IN HIS OWN COUNTRY.

4. MOST RECENT INDICATION OF GOT'S ATTITUDE THIS SUBJECT VIS A VIS USG IS WILLIAM HAYES CASE. AS DEPT. AWARE, EMBASSY FIRST REQUESTED DEPT.'S VIEWS RE USE OF LAW 647 FOR HAYES IN ISTANBUL 2475, AUGUST 3, 1973; THEN, BASED ON LONG EXCHANGE WITH DEPT., EMBASSY SUBMITTED REPATRIATION PROPOSAL FOR HAYES TO GOT ON JUNE 7, 1974 (ANKARA 4544, JUNE 11, 1974). GOT REACTION, REFLECTING RELUCTANCE TO ACCEPT ANY PROPOSAL FOR REPATRIATION DEVOID OF GUARANTEE OF IMPRISONMENT, REPORTED IN ANKARA 2218.

5. FOR DEPT.'S INFORMATION, GERMAN EMBASSY IN ANKARA RECENTLY CONSIDERED NEGOTIATING AN AGREEMENT WITH GOT UNDER LAW 647 BUT FOR PRESENT TIME HAS DROPPED IDEA BECAUSE 1) TOO MANY OBSTACLES EXIST UNDER GERMAN LEGAL SYSTEM AND 2) PRELIMINARY DISCUSSIONS WITH MIN. JUSTICE EVOKED LITTLE INTEREST ON PART GOT, REVEALING SAME CONCERNS DESCRIBED PARA 3 ABOVE.
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